

1 WILLIAM A. ISAACSON (*Pro hac vice*)  
wisaacson@paulweiss.com  
2 KAREN L. DUNN (*Pro hac vice*)  
ldunn@paulweiss.com  
3 JESSICA PHILLIPS (*Pro hac vice*)  
jphillips@paulweiss.com  
4 PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP  
5 2001 K Street, NW  
Washington, DC 20006

7 DONALD J. CAMPBELL (No. 1216)  
djc@campbellandwilliams.com  
8 J. COLBY WILLIAMS (No. 5549)  
jcw@campbellandwilliams.com  
9 CAMPBELL & WILLIAMS  
700 South 7th Street  
10 Las Vegas, NV 89101

CHRISTOPHER S. YATES (*Pro hac vice*)  
chris.yates@lw.com  
LATHAM & WATKINS LLP  
505 Montgomery Street, Suite 2000  
San Francisco, CA 94111

SEAN M. BERKOWITZ (*Pro hac vice*)  
sean.berkowitz@lw.com  
LATHAM & WATKINS LLP  
330 North Wabash Ave, Suite 2800  
Chicago, IL 60611

LAURA R. WASHINGTON (*Pro hac vice*)  
laura.washington@lw.com  
LATHAM & WATKINS LLP  
10250 Constellation Blvd, Suite 1100  
Los Angeles, CA 90067

*Attorneys for Defendant Zuffa, LLC*

12  
13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15  
16 Cung Le, Nathan Quarry, Jon Fitch, Brandon Vera,  
17 Luis Javier Vazquez, and Kyle Kingsbury on behalf  
of themselves and all others similarly situated,

18 Plaintiffs,

19 v.

20 Zuffa, LLC, d/b/a Ultimate Fighting Championship  
21 and UFC,

22 Defendant.

23 Case No.: 2:15-cv-01045-RFB-BNW

24 **DECLARATION OF DAVID L.**  
**JOHNSON IN SUPPORT OF**  
**ZUFFA, LLC'S MOTIONS IN**  
**LIMINE**

1 I, David L. Johnson, declare as follows:

2 1. I am a member in good standing of the bar of the State of Virginia and the District  
3 of Columbia. I am admitted pro hac vice to practice before this Court. I am an attorney with the  
4 law firm Latham & Watkins LLP, counsel for Zuffa, LLC (“Zuffa”), in the above-captioned action  
5 in the U.S. District Court for the District of Nevada, *Le v. Zuffa, LLC*, No. 2:15-cv-01045-RFB-  
6 (BNW). I make this declaration pursuant to LR 16-3(a) in support of Defendants’ Motions *in*  
7 *Limine* Nos. 1-13 (“Motions”).

8 2. On February 12, 2024, pursuant to the Court’s pre-trial schedule, Zuffa provided to  
9 counsel for plaintiffs a preliminary list of motions *in limine*.

10 3. On February 16, 2024, I met with counsel for plaintiffs by teleconference, along  
11 with additional counsel for Zuffa, and discussed these motions *in limine*. Counsel for plaintiffs  
12 and counsel for Zuffa then exchanged writings regarding the parties’ proposed motions *in limine*  
13 in an effort to narrow disputes for the Court on at least February 21, 23, and 26, 2024. On February  
14 27, 2024, pursuant to the pre-trial schedule, counsel for Zuffa provided counsel for plaintiffs a  
15 revised list of motions *in limine* on February 27, 2024, and there were thereafter additional written  
16 communications with counsel for plaintiffs regarding these motions.

17 4. After thorough discussion with counsel for plaintiffs, we were unable to resolve the  
18 Motions without Court action.

19 5. Because the parties could not reach an agreement on these issues, Zuffa’s current  
20 Motions are necessary.

21 6. Certain documents attached to this Declaration have had red boxes or yellow  
22 highlighting added to them. These markings are intended to indicate materials cited in the Motions  
23 referenced above. The true and correct copies of materials attached to this Declaration are subject  
24 to the addition of those markings. The exhibits are otherwise unmodified unless stated.

25 7. Attached hereto as Exhibit 1 is a true and correct excerpt of the first deposition of  
26 Hal J. Singer, dated September 27, 2017 in this litigation.

27 8. Attached hereto as Exhibit 2 is a true and correct excerpt of the deposition of Jon  
28 Fitch, taken on February 15, 2017 in this litigation.

9. Attached hereto as Exhibit 3 is a true and correct excerpt of the deposition of Kyle Kingsbury, taken on February 17, 2017 in this litigation.

10. Attached hereto as Exhibit 4 is a true and correct excerpt of the deposition of Javier Vazquez, taken on February 14, 2017 in this litigation.

11. Attached hereto as Exhibit 5 is a true and correct copy of excerpt of the deposition of Nathan Quarry, taken on September 30, 2016 in this litigation.

12. Attached hereto as Exhibit 6 is a true and correct copy of Press Release, Professional Fighters League, Professional Fighters League Acquires Bellator, Creating Global MMA Powerhouse dated Nov. 20, 2023, <https://pflmma.com/news/professional-fighters-league-acquires-bellator-in-industry-transformative-deal>.

13. Attached hereto as Exhibit 7 is a true and correct excerpt of the deposition of Jeremy Lappen, taken on February 28, 2017 in this litigation.

14. Attached hereto as Exhibit 8 is a true and correct copy of the Order Granting Preliminary Injunction, *Zuffa, LLC v. Couture*, No. 08A555208 (Nev. Dist. Ct., Clark Cnty. Feb. 29, 2008).

15. I declare under penalty of perjury under the laws of the United States of America  
that the foregoing facts are true and correct. Executed this 29th day of February, 2024 in  
Washington, D.C.

/s/ David L. Johnson  
David L. Johnson

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Declaration of David L. Johnson In Support of Zuffa, LLC's Motions *In Limine* was served on February 29, 2024 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ David L. Johnson

**David L. Johnson of  
LATHAM & WATKINS LLP**